

SBOH School Environmental Health Rule Review Meeting Notes

March 24, 2003

Discussion led by Marianne Seifert, SBOH Healthy Policy Advisor

Present: Greg Lee (OSPI), Julie Awbrey (Spokane Regional Health District), Don Leaf (OSPI), Denise Stiffarm (King County School Coalition), Kathy Piggott (King County Asthma Forum), Rick LaBoyne (WASBO, Federal Way School District), James Green (citizen), David Delong (Tacoma-Pierce County Health Department), Dave Cundiff (Cle Elum-Roslyn School District), Eileen Hennessy & Phil Holmes (Public Health – Seattle & King Co.), L. Darrell Cochran (Thurston County Health Dept), Nancy Bernard (Lake Washington School Board), Janet Kurina & Jeff Lewis (L&I), Robin Evans-Agnew (American Lung Association of WA), Mary Sue Linville (WA Schools Risk Management Pool), Maryanne Guichard (DOH), Clint Marsh (KJM & Associates).

Commonly used abbreviations in the notes:

K-12 guide = Health and Safety Guide for K-12 Schools in Washington

LHJ = local health jurisdiction

SD = school district

Should Chapter 246-366 WAC be revised discussion:

- Yes!
- No. There's no provision for enforcement. We need training, and to promote the K-12 guide, not as law, but as standard of practice. A "blanket waiver" could be made for the out of date sections. A rule review is long and tedious.
- Yes. Interpretations of the current rules are problematic – use the WISHA rules as an example of rules that are clearer and easy to interpret.
- Yes. Rule language is vague – we need specific, user-friendly minimum standards.
- Rules should be guidance – there's no certainty regarding implementation.
- We spent lots of time and energy on the K-12 guide, with a goal of achieving consistency between SDs and LHJs. We worked together. The plan was to review it every 2 years.
- Clear standards would improve enforcement ability
- There are some redundancies with other agencies, but the building codes stop at occupancy.

Ch. 246-366 WAC areas most in need of revision discussion:

WAC 366-246-030, Site approval

- Some issues are missing, such as consideration of wetlands.
- More specific guidance and language is needed than is in the K-12 guide. Thurston County PH &SS Dept. example: they used parameters/criteria from the 1990 DOH VanDusen & Veazie manual and special use permits to create a site approval checklist. They work with other agencies on project reviews coordinated by the SD (project owner).

SBOH School Environmental Health Rule Review Meeting Notes

March 24, 2003

- There needs to be disclosure of the site's prior use, and future nearby uses. There's a need to interface with different agencies with different responsibilities – with the building department regarding long range planning, for example.
- The focus of the rule should be areas of concern, that impact health.
- Often property already owned and given to the SD, and being looked at by the SD is marginal. Site approval timing should be early, while the SD has option on the property.
- Project coordinators should communicate with LHJs (some do, others don't – in smaller SDs it's often too late in the process). This should be put in rule or guidelines.
- Need competent LHJs and other agency representatives involved in the approvals.

WAC 246-366-040, Plan Review and Inspection of Schools

- Plans should be appropriate for the region, weather zones. Plan review rules should be a basic reference point indicating what's involved and who's responsible.
- Building commissioning includes discussions of use, design elements. This is the role of construction supervisors in larger SDs. Include this in the K-12 guide?
- In the rule there should be a definition of what should be submitted when for new facilities, in a design section.
- Regarding defining "periodic inspection" – what frequency would protect public health?
- Flexibility is good. Leave "periodic inspections."
 - Spokane Regional Health District has a school program that has 3-year cycles
 - Qualifying schools, with minimal or no deficiencies, have 1) routine inspections, 2) reinspections or self-inspections and 3) self inspections, with status reports
 - Other schools have routine inspections in year 1 and 3, and reinspections in year 2. Defining how often LHJ inspections occur may threaten this program.
 - Public Health-Seattle & King County's school program is in transition, due to shrinking revenue.
- Specificity is needed, in order to know what to comply with.
- Inspections should be collaborative – beneficial to both SDs and LHJs.
- We need to get the K-12 guide out, especially to smaller counties (LHJs & SDs).
- OSPI serves as an equalizer among SDs, with a goal of standardization and uniformity, and ensuring that the state investment is well spent. The SBOE disseminates best practices to SDs.
- Need competent LHJs and other agency representatives involved in the plan reviews and inspections. Good plan reviews are an illusion – most people lack the appropriate level of knowledge.

SBOH School Environmental Health Rule Review Meeting Notes

March 24, 2003

- Inspections should be unannounced, while children are in buildings.
- The lack of local capacity is no reason to lower standards.

WAC 246-366-080, -090, -100, Ventilation, Heating & Temperature Control

- There's versatility in the WAC regarding type of inspections and plan reviews.
- Use community partners to improve access to information, training, etc. EPA's Tools for Schools program is a good example of this.
- IAQ is another example of basic public health services not fitting into the "fee for service" public health structure many LHJs are operating in.

Review of WAC 246-366 with respect to results achieved and outcome measures discussion:

- Gary Jefferis' IAQ program specifies outcome measures that go beyond ASHRAE standards; they address health and safety, and should go into rule.
- More specific standards are needed, but they should go into guidelines, into the K-12 Guide. In our litigious society, if they are in rule they can be used against the SD.
- The standards should be for children, since this WAC is to protect children's health.
- Should use ASHRAE standards.
- Accountability is needed to ensure results are achieved, so standards should go in rule.
- Clear standards are needed, along with training and equipment. EPA Tools for Schools has funded some equipment and training for LHJs. Tacoma-Pierce County Health Dept. has dynamic monitoring equipment that logs CO₂, relative humidity, and temperature. They use chemical smoke and have a moisture meter.
- Testing parameters need to be defined, agreed upon, communicated. Testing should be done when buildings are occupied.
- Should focus on installation and maintenance of HVAC system – standards may be irrelevant if these aren't done properly.
- School EH issues are bigger than just the HVAC system, others added.
- SDs have little funding for inspections, maintenance and operations. Custodial staff training important!
- Community partners can help – ALAW is offering an HVAC and dust training.
- Recommendation that entire WAC 246-366 be revised, addressing safety as well as IAQ.

SBOH School Environmental Health Rule Review Meeting Notes

March 24, 2003

Review of WAC 246-366 and other relevant rules with respect to identification of a responsible party during construction and capital improvements discussion:

- A 1999 law with the intent of equalizing state funding assistance (RCW 28A.525, WAC 180-27-080) requires that SDs prepare constructability reviews, value engineering studies, and perform building commissioning for projects over 50,000 square feet to get SBOE funding. The priority is new construction. Portables are a problem. There's still a discrepancy between SDs with money and those without, due to levies, SD size.
- Don't get stuck on lack of funding – focus on creating “minimum standards” that ensure learning environments for children, that are defensible from a public health perspective.

The presence and usefulness of communication criteria regarding health related school closures and remediation actions discussion:

- Communication criteria should include when to reopen school.
- The Washington State Public Information Office has plans for SDs.
- SDs don't know when to call LHJs, the role of LHJ Health Officers in communicating health issues, how LHJs and SDs should work together, their roles – these should be included in communication plan. Plan should include who acts when, what is an appropriate response, who should be communicated with and when. Plans should be for crisis communications and routine communications.

A timeline and outline for any rule updates or revisions recommended in the rule review:

- We should disseminate best practices ASAP.
- DOH is updating the IAQ Best Practices Manual – please provide Maryanne Guichard with any input.
- The rule revision is needed soon for those unwilling to follow best practices.

Comments on these notes, from Jim Kerns (ESD 101, Spokane) received 5/20/03:

Pg. 1, Bullet 7 "...building codes stop at occupancy." NOT SO!

Pg. 2, Bullet 2 "...that impact health" --ADD-- "and safety."

Pg. 3, Bullet 3 Unannounced inspections should NEVER be allowed. The process is disruptive to the educational process, creates adversarial relationships and is always unnecessary except for police type actions.

Pg. 3, Bullet 8 Regarding "Gary Jefferies ... beyond ASHRAE standards."

1. We will be fortunate if all schools met ASHRAE standards, let alone something "beyond" ASHRAE.
2. Writing requirements beyond the recognized and accepted standards creates huge problems.
3. Even if you created standards "beyond" ASHRAE Standards they would only be "recommendations" not "requirements" and would create the type of adversarial relationships that we have been working to overcome since our committee was formed in 1994.